THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

WRIT PETITION No.14684 of 2007

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Date: 10.07.2007

Between:

Maganti Sharmendra Prasad and another.

….Petitioners

and

Eastern Power Distribution Company of Andhra Pradesh Limited and others.

….Respondents

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WRIT PETITION No.14684 of 2007

O R D E R:

The premises of the petitioners are provided with power supply, through service connection No.450 of Somavarappadu Village, West Godavari District under Category-I. Their premises were inspected on 07.10.2006. On finding that the meter disc was not rotating, even when all the appliances were put to use, the first respondent issued a notice of provisional assessment, dated 19.10.2006. It was pointed out that the approximate loss caused to the Company, on account of tampering with the meter is Rs.60,908/-. The petitioners were required to pay 50% of the said amount to ensure continuance of power supply. The petitioners challenge the notice of provisional assessment.

Heard the learned counsel for the petitioners and the learned standing counsel for the respondents.

Normally, whenever the proceedings are initiated alleging malpractices or pilferage, the liability of a

consumer would depend upon the outcome of the order of final assessment. There are instances where this Court directed continuity of supply without requiring the consumer to pay any amount on the basis of the notice of provisional assessment. However, the cases where allegations of tampering of meter are pointed out, slightly different approach is needed. When the respondents are entitled to disconnect the power supply on noticing pilferage, the petitioners can be required to pay some reasonable amount, if they want continuance of power supply.

For the foregoing reasons, the writ petition is disposed of, directing that the respondents shall continue the power supply to the premises of the petitioners, on payment of a sum of Rs.20,000/- (Rupees Twenty Thousand only) within one (1) week from today and the actual liability of the petitioners would depend upon the outcome of the final assessment proceedings. There shall be no order as to costs.

10.07.2007

Note: Issue operative portion of the order by wire at party's costs.

(B/o)

JSU